

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC BELLS, LLC, et al.,

Plaintiffs,

V.

JAY INSLEE, Governor of the State of Washington, et al.,

Defendants.

C21-1515 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' motion, docket no. 52, for entry of judgment, is DENIED. Absent subject matter jurisdiction, the Court cannot enter judgment in favor of either side. See Diaz v. First Am. Home Buyers Prot. Corp., No. 09-CV-775, 2012 WL 12953686, at *2 (S.D. Cal. Feb. 16, 2012); Smith v. United States, No. 98-139, 1999 WL 33318819, at *1 (D. Ariz. Mar. 11, 1999) (a court "cannot enter judgment but rather [can] only dismiss the complaint if it lacks subject matter jurisdiction"), *aff'd*, No. 99-16068, 1999 WL 793695 (9th Cir. 1999); see also Black v. Payne, 591 F.2d 83, 86 n.1 (9th Cir. 1979) (holding that a judgment entered "for the Defendants and against the Plaintiff" was pursuant to Rule 12(b)(6) because, "[h]ad the district court meant only to dismiss for lack of subject matter jurisdiction, such a judgment on the merits would be inappropriate."). Defendants' reliance on Allah v. Superior Court of California, 871 F.2d 887 (9th Cir. 1989), is misplaced because the reasoning set forth in that opinion was superseded by the 2002 amendments to Federal Rule of Civil Procedure 58. See Harmston v. City & Cnty. of San Francisco, 627 F.3d 1273, 1279-80 (9th Cir. 2010).

1 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
2 record.

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4 Dated this 16th day of May, 2022.

5
6 Ravi Subramanian
7 Clerk

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9 s/Gail Glass
10 Deputy Clerk